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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,739	10/14/1999	JEROME D. BOSS	MSFT-0097/14	7856

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/417,739

Applicant(s)

BOSS ET AL.

Examiner

LaShonda T Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 16 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 16 and 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is Final Office Action in response to Applicants' remarks filed on January 10, 2005. Claims 7-9, 16, and 37-43 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-9, 16 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant in view of Zilberstein et al (hereinafter, "Zilberstein", 6,606,657).

As per claim 7, Bryant discloses:

- coupling to a client object by the way of a proxy server (monitor) interface of said client object (see abstract, col. 3, lines 59-61 and col. 10, lines 15-16);
- receiving a first client request destined for said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- recording selected information indicative of said first client request (see Fig. 2, col. 2, lines 8-12, and col. 3, lines 62-66);
- transmitting said first client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56);

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- receiving a response to said first client request from said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- transmitting said response to said client object (col. 3, lines 34-36, and col. 4, lines 49-56).

However, Bryant does not explicitly disclose:

- receiving a second client request destined for said network;
- transmitting said second client request onto said network; and
- recording selected information indicative of said second client request, whereby recorded information is created, wherein the recorded information indicative of said second client request is a function of said response.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- receiving a second client request destined for said network (col. 8, lines 35-45 and col. 9, lines 35-40; Zilberstein discloses a new URL (second request) being accessed by a client by a link in the viewed web page);
- transmitting said second client request onto said network (col. 8, lines 35-45 and col. 9, lines 35-40); and
- recording selected information indicative of said second client request, whereby recorded information is created, wherein the recorded information indicative of said second client request is a function of said response (col. 2, lines 59-63, col. 8, lines 35-45, col. 9, lines 3-6, lines 17-24, lines 35-40 and lines 54-59; Zilberstein discloses a new URL (second request) being accessed by a client selecting a link in the viewed web

page. Therefore, Zilberstein discloses recording selected information indicative of said client request, whereby recorded information is created, wherein the recorded information indicative of said second client request is a function of the said response).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by including a URL timer to determine the amount of time a user spends at each web page in a timely and efficient manner.

As per claim 16, Bryant discloses:

- a first interface connectible to a client object, whereby said interface receives requests destined for said network originating from said client object (at least implicitly) (col. 3, lines 5-8 and lines 49-61);
- a recorder object in communication with said first object for receiving said requests by way of said first interface (col. 4, lines 66-67 and col. 5, lines 1-6), and said recorder object creating a record comprising a representation of said requests (see Fig. 2, col. 3, lines 62-67, col. 4, lines 1-3, and col. 5, lines 3-6); and
- a second interface connectible to said network (at least implicitly) (col. 2, lines 66-67, col. 3, lines 1-5, lines 14-26), said second interface being in communication with said recorder object wherein said recorder object transmits said request to said network by way of said second interface (col. 4, lines 49-56); and
- wherein said second interface receives responses destined for said client object originating from said network, wherein said recorder object is in communication with said second interface for receiving said responses by the way said second interface, wherein said first interface is in communication with said recorder object whereby said

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recorder object transmits said responses to said client object by the way of said first interface, (col. 3, lines 62-67, col. 4, lines 1-3, lines 50-67 and col. 5, lines 1-6).

However, Bryant does not explicitly disclose:

- wherein at some of the representation of said requests is a function of said responses.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- wherein at some of the representation of said requests is a function of said responses (col. 2, lines 59-63, col. 8, lines 35-45, col. 9, lines 3-6, lines 17-24, lines 35-40 and lines 54-59; Zilberstein discloses a new URL (second request) being accessed by a client selecting a link in the viewed web page. Therefore, Zilberstein discloses wherein at some of the representation of said requests is a function of said responses).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by specifying the new URL accessed by a client selecting a link in the viewed web page as a function of the first request in order to record the time the client spent viewing the web pages in a timely and efficient manner.

As per claims 8 and 37, Bryant discloses the invention substantially as claims discussed above.

However, Bryant does not explicitly disclose:

- wherein at least one of said responses is a web page including a plurality of hyperlinks, and wherein said function takes into account the relative location of one said hyperlinks on said web page.

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In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- wherein at least one of said responses is a web page including a plurality of hyperlinks, and wherein said function takes into account the relative location of one said hyperlinks on said web page (col. 2, lines 59-63, col. 8, lines 35-45, col. 9, lines 3-6, lines 17-24, lines 35-40 and lines 54-59; Zilberstein discloses a new URL (second request) being accessed by a client selecting a link in the viewed web page. Therefore, Zilberstein discloses wherein at some of the representation of said requests is a function of said responses).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by specifying the new URL accessed by a client selecting a link in the viewed web page as a function of the first request in order to record the time the client spent viewing the web pages in a timely and efficient manner.

As per claim 9, Bryant discloses:

- coupling to a client object by the way of a proxy server (monitor) interface of said client object (see abstract, col. 3, lines 59-61 and col. 10, lines 15-16);
- receiving a first client request destined for said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- transmitting said first client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- receiving a second client request destined for said network (see Fig. 2, col. 3, lines 34-36, lines 62-67, and col. 4, lines 1-3); and

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- transmitting said second client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56);

However, Bryant does not explicitly disclose:

- recording the time between the first and second client requests.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- recording the time between the first and second client requests (col. 9, lines 3-6, lines 17-20 and lines 41-44).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by including a URL timer to determine the amount of time a user spends at each web page in a timely and efficient manner.

As per claims **15**, **40**, and **41** Bryant discloses:

- a computer-readable medium containing computer-executable instructions (col. 10, lines 64-67, and col. 11, lines 1-6).

As per claim **38**, Bryant discloses:

- a first interface connectible to a client object, whereby said interface receives requests destined for said network originating from said client object (at least implicitly) (col. 3, lines 5-8 and lines 49-61);
- a recorder object in communication with said first object for receiving said requests by way of said first interface (col. 4, lines 66-67 and col. 5, lines 1-6), and said recorder object creating a record comprising a representation of said requests (see Fig. 2, col. 3, lines 62-67, col. 4, lines 1-3, and col. 5, lines 3-6);

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- a second interface connectible to said network (at least implicitly) (col. 2, lines 66-67, col. 3, lines 1-5, lines 14-26), said second interface being in communication with said recorder object wherein said recorder object transmits said request to said network by way of said second interface (col. 4, lines 50-56); and
- recorder object (col. 5, lines 52-67, and col. 6, lines 1-8).

However, Bryant does not explicitly disclose:

- calculates the time between a first of said requests and a second of said requests, and includes in said record a representation of the calculated time.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- calculates the time between a first of said requests and a second of said requests, and includes in said record a representation of the calculated time (col. 9, lines 3-6, lines 17-20 and lines 41-44).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by including a URL timer to determine the amount of time a user spends at each web page in a timely and efficient manner.

As per claim 39, Bryant discloses:

a replayer object which simulates a user network transaction by sending over said network the requests represented in said record including said first request and said second request (see abstract, col. 1, lines 48-55, lines 66-67, col. 2, lines 1-19, col. 4, lines 13-24, col. 5, lines 52-67, and col. 6, lines 1-8).

However, Bryant does not explicitly disclose:

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- inserting a duration of time between said first request and said second request based on the representation of the calculated time contained in said record.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- inserting a duration of time between said first request and said second request based on the representation of the calculated time contained in said record (col. 9, lines 3-6, lines 17-20, lines 41-44, col. 12, lines 61-67 and col. 13, lines 1-4)

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by including a URL timer to determine the amount of time a user spends at each web page in a timely and efficient manner.

3. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant in view of Zilberstein and in further view of Bryant et al (6,078,956).

As per claim 42, Bryant in view of Zilberstein discloses the invention substantially as claims discussed above

However, Bryant in view Zilberstein does not explicitly disclose

- wherein the recorded information indicative of said second client request is further a function of a cookie associated with said response.

In an analogous art, Bryant et al (6,078,956) discloses:

- wherein the recorded information indicative of said second client request is further a function of a cookie associated with said response (abstract and col. 2, lines 23-43;

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Bryant et al discloses sending response time information from a Web client to a Web server in a cookie).

Given the teaching of Bryant et al (6,078,956), it would have been obvious to one of ordinary skill in the art to modify Bryant in view of Zilberstein by including a cookie within the monitor in order to obtain information associated with a response allowing the monitor to keep track and identify user activities on a web page.

As per claim 43, Bryant in view of Zilberstein discloses the invention substantially as claims discussed above.

However, Bryant in view of Zilberstein does not explicitly disclose

- wherein at least some of the representation said requests is further a function of one or more cookies associated with said responses.

In an analogous art, Bryant et al (6,078,956) discloses:

- wherein at least some of the representation said requests is further a function of one or more cookies associated with said responses (abstract and col. 2, lines 23-43; Bryant et al discloses sending response time information from a Web client to a Web server in a cookie).

Given the teaching of Bryant et al (6,078,956), it would have been obvious to one of ordinary skill in the art to modify Bryant in view of Zilberstein by including a cookie within the monitor in order to obtain information associated with a response allowing the monitor to keep track and identify user activities on a web page.

Response to Arguments

4. Applicant's arguments filed January 10, 2005 have been fully considered but they are not persuasive.

The Office notes the following arguments:

- a. Neither the cited portion of Zilberstein nor any other portion that we have been able to identify the feature of measuring the time between two requests.
- b. Zilberstein does not teach a transaction by waiting the same amount time between two requests that the original user waited when the transaction was recorded.
- c. Byrant and Zilberstein does not teach the feature of recording a request as a function of the relative location of hyperlinks on a web page. None of these address the feature of recording a request as a function of the relative location if hyperlinks in a web page.
- d. The Examiner has not demonstrated how Bryant and Zilberstein can be combined to produce claims 7 and 16.

In considering (a)-(d), Applicant asserted that Zilberstein does not teach or suggest measuring the time between two requests (see Zilberstein, col. 9, lines 3-11 and 18-20). The examiner disagrees with the precedent assertion. The examiner kindly submits that the applicants misread the applied references. The examiner has provided in the last office action of the parent application, a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the cited references. Zilberstein discloses a system and method for processing and presenting Internet usage information that

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monitors the actual time that a user spends on a website and calculates the difference between the time the user spent on the web page before he/she switch to another URL within the current page being viewed. Therefore, Zilberstein teaches measuring the time between two requests.

Zilberstein also teaches wherein a request as a function of the relative location of hyperlinks on a web page (col. 3, lines 21-32). On the other hand, Bryant discloses a method of recording and measuring e-business sessions on the World Wide Web. The monitor is Bryant records a set of URLs and replays URLs (col. 3, lines 48-67 and col. 4, lines 13-24). Bryant and Zilberstein disclose substantially the invention as broadly claimed. According to claims 7 and 16, Zilberstein is used to modify Bryant, by allowing Bryant's monitor to record a client's request that is a function of the response, which is taught by Zilberstein (col. 3, lines 21-32). Bryant is able to record and replay URLs. Therefore, it would have been obvious to combine the teachings of Zilberstein with the teachings of Bryant to allow the monitor to record a client's request that is a function of the response in order to measure information about a communication session in a timely and efficient manner. Also, Applicants are reminded that 37 CFR 1.111(b) states, A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Furthermore, for this assertion to have merit, it is important to Applicants provide some forms of evidence that convincingly show that Examiner's reference does not meet the claims language. Applicants' assertions are just mere allegation with no supported fact. Applicant is reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the

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claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Hence, for the above reasons, it is believed that the rejection under 35 U.S.C. 103 provides substantial evidence to support the rationale statement in the above rejection. The rejection under 35 U.S.C. 103 should be sustained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
March 11, 2005



SALEH N. AL-JAR
PRIMARY EXAMINER